



U.S. Department of Justice

Environment and Natural Resources Division

*Environmental Defense Section
P.O. Box 7611
Washington, DC 20044*

*Telephone (202) 353-7466
Facsimile (202) 514-8865
andrew.knudsen@usdoj.gov*

May 3, 2024

BY ELECTRONIC MAIL ONLY

Ryan Walters, Chief
Special Litigation Division
Office of the Texas Attorney General
P.O. Box 12548 (MC 009)
Austin, TX 78711-2548
ryan.walters@oag.texas.gov

Re: *United States v. Abbott* (W.D. Tex. No. 23-cv-853) – Identification of United States' anticipated expert witnesses at trial

Dear Counsel:

Pursuant to the Federal Rule of Civil Procedure 26(a)(2) and the March 5, 2024 Scheduling Order (ECF 97) in this case, Plaintiff the United States of America hereby identifies the following anticipated expert witnesses:

(1) Adrian Dmitri Cortez, El Paso, Texas

Mr. Cortez is currently employed with the U.S. Section of the International Boundary and Water Commission ("USIBWC") as Hydrologist, Water Accounting Division.

Mr. Cortez is expected to testify regarding the decision factors and procedures for water releases from Amistad Dam; dam release information; regional hydrologic inputs and outputs; information about water levels downstream of Amistad Dam as these relate to navigability; and the USIBWC's use of watercraft in support of its operations on the Rio Grande.

(2) Dr. Benjamin Johnson, Chicago, Illinois

Dr. Johnson is a Professor at Loyola University Chicago in the Department of History and School of Environmental Sustainability.

Dr. Johnson is expected to testify regarding historical navigation on the Rio Grande in the vicinity of Eagle Pass, Texas.

(3) Timothy L. MacAllister, Ponder, Texas

Mr. MacAllister is currently employed with the U.S. Army Corps of Engineers as Chief of Operations, Fort Worth District US Army Corps of Engineers.

Mr. MacAllister is expected to testify regarding the capability of potential improvements, including changes to water management, dam operation, dredging, and other methods for further improving the navigational capacity of the Rio Grande.

(4) Capt. John C. Timmel, Tampa, Florida

Capt. Timmel is the President and CEO of Starboard Ten, Inc. / d.b.a. SB10 Maritime Expert Witnesses Services, Inc. He is a recently retired member of the American Pilots Association and former vice president of the Florida Harbor Pilots Association.

Capt. Timmel is expected to testify regarding the nature of the floating barrier system deployed in the Rio Grande by the State of Texas, and the floating barrier system's impact upon the navigability of the Rio Grande.

To the extent reports are required pursuant to Federal Rule of Civil Procedure 26(a)(2)(B), the United States will disclose them to Texas no later than May 10, 2024, pursuant to the scheduling order in this case.

Regards,

Andrew D. Knudsen
Environmental Defense Section

cc: All counsel of record (via email)